

40297-0001

10/779,413

REMARKS

Claim 30 has been amended to correct a typographical error. No claims have been added or cancelled. Accordingly, claims 1-31 are pending. In the Official Action, the Examiner rejected claims 1-31 under 35 U.S.C. §103 (a) as being anticipated by U.S. Patent Application Publication No. 2005/0078195 by Van Wagner (hereinafter "Van Wagner") in view of U.S. Patent Application Publication No. 2004/0266449 by Smetters et al (hereinafter "Smetters").

Concurrently with this Response, Applicant has filed a declaration pursuant to 37 C.F.R. §1.131 (hereinafter "the Rule 131 Declaration") to antedate the effective date of Van Wagner. In the Rule 131 Declaration, Edwin A. Kauppila, the sole inventor listed on the present application, declares that the claimed invention was invented prior to the earliest filing date of Van Wagner (October 14, 2003), which date is the effective date of the subject matter relied upon by the Examiner to reject claims 1-31.

Together with the Rule 131 Declaration, Applicant has submitted Exhibit A, which includes a letter dated March 26, 2003 describing an embodiment of the claimed invention. Accordingly, the letter supports Edwin A. Kauppila's declaration that the claimed invention was made prior to October 14, 2003. This letter provides an enabling description of the subject matter now claimed in satisfaction of 35 U.S.C. §§ 101 and 112.

In view of the foregoing and the Rule 131 Declaration, and pursuant to 37 C.F.R. §1.131, any subject matter disclosed in the Van Wagner that is absent from the Smetters cannot be relied upon to reject the claims of the present application. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-31, which are in condition for allowance.

40297-0001


10/779,413

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347. A petition for extension of time under 37 C.F.R. 1.136(a) has been filed with this Response, the fee for which should be charged against the aforementioned account.

Respectfully submitted,

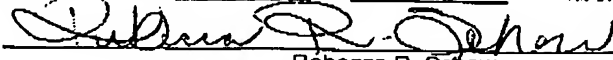
DATE: March 6, 2006


Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095
(801) 572-8066
(801) 572-7666 (fax)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number 571-273-8300 on March 6, 2006. Number of Pages: 19


Rebecca R. Schow